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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[27 March 1997]

Situation of human rights in Colombia

1. The International Federation of Human Rights (FIDH) would like to draw the attention of the Commission of Human Rights to the following statement, which has been endorsed by 92 Colombian non-governmental organizations and social sectors, including two which are FIDH member organizations:

"1. At its fifty-second session, the Commission on Human Rights, in a statement by the Chairman read out on 23 April 1996, expressed deep concern about the serious human rights situation in Colombia. On the basis of reports submitted by the thematic rapporteurs and working groups, it expressed concern about violations of the right to life, the large number of disappearances, the persistence of the practice of torture, as well as its total disagreement with the very high level of

impunity for the perpetrators of all such violations. The Commission highlighted the need to strengthen the rule of law by excluding the investigation and trial of such violations from the competence of the military courts and by limiting the competence of the courts of regional jurisdiction, so as to ensure full respect for internationally recognized judicial guarantees.

2. Accordingly, in the statement the Commission on Human Rights requested the United Nations High Commissioner for Human Rights (UNHCHR) and the Government of Colombia 'to establish at the earliest possible date a permanent office in Colombia with the mandate to assist the Colombian authorities in developing policies and programmes for the promotion and protection of human rights and to observe violations of human rights in the country, making analytical reports to the High Commissioner'. It also requested the High Commissioner to report to the Commission at its fifty-third session on the setting up of the office and on the activities carried out by it in implementing the above mandate (E/CN.4/1996/177, para. 24).

3. Prompt establishment of the UNHCHR permanent office operating within the parameters set out in the statement and in the agreement signed between UNHCHR and the Government of Colombia on 29 November 1996 continues to be our priority this year. We are convinced of the need to sponsor the valuable initiative concerning the office and of collaborating with its work in Colombia. In this way, the office will be of significant support to the international community in overcoming the human rights violations and the political violence in the internal armed conflict and in contributing to the campaign against impunity and authoritarianism in Colombia.

4. It is a matter of concern, however, that 1996 - like previous years - should also have elapsed without the United Nations taking the requisite action in Colombia to help overcome the human rights crisis, despite the Commission's obvious concern, because of obstacles of various kinds. The objective fact is that the office was not established 'at the earliest possible date', as was required by the seriousness of the situation and as was stipulated in the statement by the Chairman. The office will only start to operate at the time the Commission on Human Rights meets again for its fifty-third session, in other words, a good year after the decision to establish it, and in 1997 the Commission will be unable to receive an analytical report on the human rights situation in Colombia.

5. It is important to point out that, in 1996, the human rights situation was still very serious and even deteriorated in some respects, particularly because of the consolidation and extension of a paramilitary strategy, reinforced by the establishment and the spread, with government backing, of the Rural and Urban Security Associations and Cooperatives (CONVIVIR), which legalise the paramilitary groups. Again, the situation grew worse because of other government policies against human rights, such as the misuse of the state of emergency, the promotion of an authoritarian-type constitutional counter-reform, and the insistence on improperly extending the jurisdiction of the military

courts so as to favour impunity. Furthermore, there were still many cases of internal displacement, of turning social protest into a crime, and of violence against young people and the marginalized sectors of society.

6. The deterioration in the conditions and quality of life of most of the population of Colombia, in other words, the adverse impact on opportunities for enjoying their economic, social and cultural rights, continued to be the main source of violations of civil and political rights, chiefly among the indigenous and Afro-Colombian communities, and among women and children. Furthermore, trade union rights were frequently denied or curtailed by business companies and by the State.

7. It is also very disturbing that the situation has tended to deteriorate still more in 1997. Every year that the United Nations delays in taking concrete action to cope with this situation, more than 3,000 people die for political or ideological reasons, and there is total impunity, and the amount of people forced to move, on account of the political violence, increases by nearly 180,000. The sectors that have been most affected include peasants, trade unionists, opposition political activists, and the indigenous inhabitants. Similarly, there has been a significant increase every year in the number of human rights defenders who have been threatened, harassed, taken to court, have disappeared or have been executed because of their work on behalf of the rights of the victims. International monitoring and collaboration are essential to overcome the acute crisis in human rights and humanitarian law in which the country has been plunged for more than 10 years. The Commission on Human Rights should, above all, reiterate this year its profound concern about the immensely serious situation in Colombia and the fact that it has persisted for so long.

8. Strengthening the work of the UNHCHR office for Colombia is our main goal and we fear that various obstacles could impede its activity in 1997. Yet another year without a close look at the crisis in Colombia would be a serious omission on the part of the United Nations. Further bureaucratic or political complications could arise at any time and would clearly be prejudicial to the victims. Sectors opposed to the office have announced their intention of taking proceedings in court to cancel the agreement between the Government and the High Commissioner on the grounds that it has not been submitted for approval by the Congress of the Republic. For all these reasons, at its forthcoming session the Commission on Human Rights should establish a supplementary mechanism to assist the office and act as a guarantee, in the event of any serious difficulty, that an analytical report will be submitted for consideration at the fifty-fourth session, in 1998, thereby avoiding a repetition of the lamentable vacuum caused this year because the office has not managed to enter into operation.

9. Furthermore, the Commission should make a strong appeal to the Government of Colombia to refrain from encouraging initiatives which are obviously contrary to universal human rights standards and to the specific recommendations for Colombia formulated by international bodies, such as removing controls over states of emergency and granting

judicial powers to the military forces, which are contained in the proposed constitutional reform still being backed by the Government.

10. Accordingly, Colombian human rights and social organizations request the Commission on Human Rights at its fifty-third session:

(a) To reiterate its concern about the serious human rights situation in Colombia and express alarm at the persistence and deterioration in that situation in 1996; and also the step-up in paramilitary activity and the Government's support for the CONVIVIR associations and the increase in the threats and attacks against opposition political and social organizations and against defenders of human rights;

(b) To urge the Government to adopt effective and urgent measures to combat the action of paramilitary, legal or illegal groups that threatens and infringes human rights, including the derogation of Decree No. 356 of 1994, which established the CONVIVIR associations and the investigation, trial and sentencing of members and leaders of such groups;

(c) To express concern at the escalation of the internal armed conflict and to call on the Colombian Government to formulate a peace policy which will allow for a negotiated settlement;

(d) To urge the Colombian Government to observe a domestic policy of respect for and protection of human rights in keeping with the offers of cooperation it has extended to the international community and, pursuant to its international obligations, to exclude from the jurisdiction of the military courts the investigation of human rights violations; it also urges it to refrain from misusing the state of emergency and to promote plans for counter-reform of the Constitution and to refrain from any other initiative contrary to international recommendations already formulated for Colombia and from granting judicial powers to the military forces in connection with private individuals;

(e) To express solidarity with the victims of human rights violations and of breaches of humanitarian law committed in 1996 in Colombia, some of which could have been prevented or mitigated if a permanent office of the High Commissioner had been established in Colombia 'at the earliest possible date', as requested in the statement adopted by consensus on 23 April 1996;

(f) To reaffirm the mandate assigned to the office, to strengthen it and to appoint a person with high personal and professional qualifications as a supplementary mechanism for the office and, as a precautionary measure, to guarantee that if any serious circumstance prevents the office from functioning, to prepare and submit a report to the Commission in 1998 on the human rights situation in Colombia."

Bogotá, 25 February 1997